

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3857 of 1987

with

SPECIAL CIVIL APPLICATION No 3696 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT STATE ROAD TRANSPORT COPORATION

Versus

FULSINH R DABHI

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Appearance:

(In SCA No.3857/87)

MR HARDIK C RAWAL for Petitioner

MR BA VAISHNAV FOR MR KV GADHIA for Respondent

(In SCA No.3696/88)

MR BA VAISHNAVA FOR MR KV GADHIA for Petitioner

MR HARDIK C RAWAL for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/06/2000

ORAL JUDGEMENT

Re.: Special Civil Application No.3857 of 1987:

#. The learned counsel for the respondent has no objection in case the exparte award passed in this case is set side and the matter is sent back to the Labour Court to decide the same afresh. However, he submits that the respondent-workman is continuing in service for all these years and till the matter is decided by the Labour Court, he may be allowed to continue in service. The learned counsel for the petitioner is not opposing this prayer made by learned counsel for respondent-workman.

#. As a result of this agreement, this special civil application is disposed of in the terms that the award of the Labour Court, Ahmedabad, dated 19th June 1986, in Reference (LCA) No.202 of 1984 is quashed and set aside and the matter is remanded back to the Labour Court to decide it afresh. The petitioner, in case has not filed reply to the statement of claim made by respondent-workman, may file the same within a period of fifteen days form the first date fixed by the Labour Court for considering the matter. The respondent-workman shall present himself for cross-examination by the petitioner on the next date which should not exceed beyond fifteen days from the date of filing of the reply to the statement of claim. The petitioner then shall complete its evidence within a period of one month thereafter. The Labour Court to decide the matter finally within a period of one month next. Rule stands disposed of accordingly with no order as to costs.

Re.: Special Civil Application No.3696 of 1988:

#. The special civil application No.3696 of 1988 was ordered to be heard with special civil application No.3857 of 1987. This special civil application also arises from the same award which is challenged in special civil application No.3857 of 1987. In this petition, the workman challenges that part of the award where 50% of the backwages have been denied to him. This petition is not on Board today but on the request of learned counsel for the parties, file is called from the registry and taken up for final hearing. In view of the fact that the award which is challenged in this special civil application has been set aside, this special civil application has become infructuous and the same is

dismissed. Rule discharged. Interim relief, if any,  
granted stands vacated. No order as to costs.

(S.K.Keshote, J.)

(sunil)